

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION**

IN RE:)	Chapter 13
Bob Herron)	No. 18-17973
Debtor.)	
)	Judge Doyle

NOTICE OF MOTION

To: See Attached Service List

Please take notice that on **the 6th day of April, 2021, at 9:30 a.m.** or as soon thereafter as counsel may be heard, I shall appear before the Honorable Carol A. Doyle or any Judge presiding in her stead, and present the following motion: **JVM Uptown Apartments, LLC's Motion for Relief From The Automatic Stay As To 31 East Ogden Avenue, Apartment No. 242, La Grange, Illinois 60525**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and Password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and Password.

Meeting ID and Password. The meeting ID for this hearing is 161 155 8289 and the Password is Doyle742. The meeting ID and Password can also be found on the judge's page on the court's website.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

JVM Uptown Apartments, LLC
By: /s/ Megan M. Lazar
One of the Attorneys For Movant

Megan M. Lazar / Attorney No. 6293103
Law Offices of David K. Barhydt
2901 Butterfield Road, Oak Brook, Illinois 60523
(630) 218-4915 / support@barhydtlaw.com

Certificate of Service

I, Megan M. Lazar, an attorney, certify that I served this Notice and Motion upon all parties as set forth in the attached Service List, from 2901 Butterfield Road, Oak Brook, Illinois 60523, on March 25, 2021.

/s/ Megan M. Lazar

Service List

Bob Herron 4002 Madison Street Bellwood, Illinois 60104 and 1 East Ogden Avenue Apartment No. 242 La Grange, Illinois 60525	By US Mail
David H. Cutler Cutler & Associates, Ltd. 4131 Main Street Skokie, Illinois 60076 cutlerfilings@gmail.com <i>Attorney for Debtor</i>	By ECF Electronic Delivery
M.O. Marshall 55 East Monroe Street Suite 3850 Chicago, Illinois 60603 ecf@55chapter13.com <i>Bankruptcy Trustee</i>	By ECF Electronic Delivery
Patrick S Layng Office of the U.S. Trustee, Region 11 219 S Dearborn Street Room 873 Chicago, IL 60604 USTPRegion11.ES.ECF@usdoj.gov <i>United States Trustee</i>	By ECF Electronic Delivery

**IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:)	Chapter 13
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**JVM Uptown Apartments, LLC's Motion for Relief From The Automatic Stay
As To 31 East Ogden Avenue, Apartment No. 242, La Grange, Illinois 60525**

Now comes JVM Uptown Apartments, LLC ("Creditor"), by and through its attorneys, Law Offices of David K. Barhydt, and pursuant to 11 U.S.C. § 362(d)(1) and (2) and in support of its Motion, states as follows:

1. On June 25, 2018, Debtor filed a voluntary petition of relief under Chapter 13 ("Petition") and that the case is pending before this Court.

2. On October 30, 2020, Creditor entered into an Apartment Lease Contract ("Lease") with Debtor Bob Herron ("Debtor") for the rental of the premises commonly known as 31 East Ogden Avenue, Apartment No. 242, La Grange, Illinois 60525 ("Premises"), for a term beginning on October 30, 2020 and ending on December 6, 2021. See Lease, **Exhibit A**.

3. Debtor does not have any ownership interest in said Premises.

4. On January 8, 2021, Creditor served a Ten-Day Notice of Termination of Tenancy ("Ten-Day Notice") to obtain possession of the Premises for violations under the Lease related to marijuana smoking in the Premises to the extent that Debtor's actions have become a direct threat to the health and safety of other residents, an exception under the current Illinois eviction moratorium pursuant to Governor's Pritzker's Executive Order No. 2020-72, as modified. See Ten-Day Notice, **Exhibit B**.

5. On January 26, 2021, based on Debtor's failure to vacate the Premises pursuant to the Ten-Day Notice and without knowledge of this pending bankruptcy matter, Creditor filed an Eviction Action ("Eviction Action") against Debtor, Case No. 21 M4 0362, in Cook County, Illinois, Fourth District, for possession of the Premises, along with court costs and attorneys' fees. See Complaint, **Exhibit C**. On March 8, 2021, service of process was effectuated. See Summons and Affidavit of Process Server, **Exhibit D**.

6. Creditor did not learn of the filing of the Petition until March 17, 2021, when Debtor appeared in court on the Eviction Case and informed Movant's counsel of the Petition.

7. As of the filing of this Motion, Debtor remains in possession of the Premises and rent will continue to accrue until Creditor regains possession back of the Premises. See Ledger, **Exhibit E**.

8. Based on Debtor's default, Creditor is entitled to possession of the Premises.

9. This Court should grant relief from the automatic stay because Creditor is without adequate protection of its interest in the property and is being irreparably damaged by Debtor's continued withholding of the Premises and non-payment of rent. Further, Debtor does not have any ownership interest in the Premises which would provide any equity necessary to an effective reorganization.

10. Annulment of the automatic stay is the proper remedy based on the post-petition default and that had Creditor known of the Petition being filed prior to service of the Ten-Day Notice, Creditor would have moved for and the granting of relief would have been proper.

11. Creditor requests that this Court order that the 14-day stay provided for under Bankruptcy Rule 4001(a)(3) is not applicable as to Creditor.

WHEREFORE, Creditor JVM Uptown Apartments, LLC prays that this Honorable Court enter an order annulling the automatic stay as to permit JVM Uptown Apartments, LLC to proceed pursuant to non-bankruptcy law against 31 East Ogden Avenue, Apartment No. 242, La Grange, Illinois 60525, and for such other and further relief as is just and proper.

Dated: March 25, 2021

Respectfully Submitted,

JVM Uptown Apartments, LLC

By: /s/ Megan M. Lazar

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